MC 2126/2007

BEFORE

THE HON'BLE MR. JUSTICE AFTAB. H. SAIKIA

THE HON'BLE MR. JUSTICE H. BARUA

Mr. J.C. Gaur, learned counsel representing the respondent/petitioner has fairly contended that the petitioner M/s. K.D. Sharma & Company, desires to settle the matter amicably outside the Court for which he may be permitted to withdraw the initial application so filed by them under Section 9 of the Arbitration and Conciliation Act 1996, before the learned District Judge, Sonitpur at Tezpur with a liberty to file appropriate application afresh if so advised.

This submission has got the support from Mr. K.C. Khetri, learned Senior counsel representing the appellant/opposite party. It is also contended by the learned Senior counsel that if the petitioner, M/s. K.D. Sharma & Company is permitted to withdraw their application above mentioned as prayed for, he shall have no hesitation to withdraw the connected appeal so filed against the impugned order of temporary injunction granted against him by the trial Court.

In view of the submissions as above and also having carefully considered the facts and circumstances of the case in its totality, we are of the considered opinion that the interest of justice would be met if the parties are allowed to settle the matter on compromise as stated above by permitting the petitioner to withdraw the initial application as noted above with liberty to file afresh, if so advised. It is ordered accordingly.

This Misc. Case application stands allowed.